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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re:

MARC JOHN RANDAZZA,

Debtor.

Case No.: BK-S-15-14956-abl
Chapter 11

AMENDED EX-PARTE MOTION TO REOPEN CASE FOR
JUDGMENT CREDITOR TO OBTAIN ORDER PURSUANT TO NRS 21.310

This individual chapter 11 bankruptcy case was closed on March 27, 2019 following an Order of Discharge (ECF 336). Prior to that, an adversary proceeding entitled *Marc John Randazza v. Crystal Cox*, Adv. No. 16-1111-abl, was closed on October 17, 2018 following the closure of an appeal filed by the Defendant Crystal Cox. (*See* Adv. ECF 79). Thereafter, the Court issued a writ of execution against the Defendant on August 2, 2019. (*See* Adv. ECF 85). That writ of execution remains outstanding, with the judgment unsatisfied, and Mr. Randazza, as judgment creditor, seeks to reopen this case, as directed by the clerk, in order to move this Court for an order in the adversary case pursuant to NRS 21.310 to reach certain property and interests of Ms. Cox that cannot be seized by the writ of execution. A bankruptcy case may be reopened for the limited purpose of seeking relief against a party who was a creditor in that bankruptcy matter. *See, e.g., In re Vanamann*, 561 B.R. 106, 110-11 (Bankr. D. Nev. 2016). That motion will be filed under separate cover in the adversary proceeding upon entry of an Order re-opening this proceeding.

1 This Motion was previously filed on January 8, 2021 (ECF 339) and is amended pursuant
2 to the Clerk's Notice of Docketing Error (ECF 341). Although the filing fee was paid on January
3 8, 2021 for the initial motion, and that the clerk insists this motion be filed, Mr. Randazza believes
4 that the clerk is incorrect, as the relief sought in the adversary case is unrelated to administration,
5 formally re-opening this proceeding is not necessary. *See* ECF 340; *Aniel v. Hoskins*, 670 F. App'x
6 542, 542 (9th Cir. 2016) (discussing *Staffer v. Predovich (In Re Staffer)*, 306 F.3d 967 (9th Cir.
7 2002) ("[R]eopening a bankruptcy proceeding is not necessary for a bankruptcy court to exercise
8 jurisdiction unrelated to administration."). To the extent that the Court agrees with the Ninth
9 Circuit that the clerk is seemingly in error, Mr. Randazza requests that the Court issue a refund for
10 payment of the statutory fee.

11 WHEREFORE Mr. Randazza hereby moves the court for an order reopening this case to
12 obtain the order. The filing fee required by 28 U.S.C. § 1930(b) for reopening the case was
13 previously submitted on January 8, 2021. *See* ECF 340.

14
15 Dated: April 1, 2021.

Respectfully submitted,

16 /s/ Ronald D. Green

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CERTIFICATE OF SERVICE

On April 1, 2021, I served the foregoing document by the following means to the persons as listed below:

I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

<savvybroker@yahoo.com>
<crystal@crystalcox.com>
<ReverendCrystalCox@gmail.com>

Additionally, I caused the document(s) to be sent to the persons at the addresses listed below via United States mail, postage fully prepaid:

CRYSTAL L. COX
C/O ELIOT BERNSTEIN
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BOCA RATON, FL 33434

CRYSTAL L. COX
P.O. BOX 2027
PORT TOWNSEND, WA 98368

Crystal L. Cox
1000 DRUMLIN LANE
PO BOX 1610
EUREKA, MT 59917

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 1, 2021.

/s/ Trey A. Rothell
Employee,
Randazza Legal Group, PLLC